

Sirhan Defense 5-11-24-69 Accepts Jury-- State Does Not

LOS ANGELES (AP)—The defense again accepted a tentative jury at Sirhan Bishara Sirhan's murder trial today, but the prosecution excused one candidate by peremptory challenge and questioning went on.

The jury, when finally completed, will try the 24-year-old Jordanian on a charge that he fatally shot Sen. Robert F. Kennedy last June 5 at the Ambassador Hotel.

THE DEFENSE hammered on "willful, deliberate and premeditated" in connection with first-degree murder in questioning Albert Frederico, about 45, of suburban San Gabriel, a plumber.

"In willful, deliberate and premeditated murder, do you feel that death is more appropriate than life imprisonment?"

"Yeah, I guess so," Frederico replied with a shrug.

Cooper restated the question and Frederico said: "Well, I would consider the evidence, the facts. I believe till then I wouldn't make a decision."

FREDERICO was tentatively accepted by both defense and prosecution. Cooper then said, "The defendant is satisfied with the jury as now constituted."

But the prosecution's peremptory challenge of another panelist kept the selection process going.

The defense last Tuesday also accepted a tentative panel, but this was negated by a legal maneuver by the prosecution.

At yesterday's session, Cooper asked a prospective woman juror whether she would have a preference be-

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tween a life or death penalty.

DEPUTY DIST. Atty. David N. Fitts, on his feet before she could reply, objected: "Mr. Cooper speaks of 'this defendant.' Mr. Cooper asks, 'Do you have any preference in this case, the Sirhan case?'"

"We're not concerned with what the prospective jurors think in the Sirhan case but with murder cases in general."

Cooper retorted: "If a juror favors the death penalty at this time, we have a right to excuse that juror."

Presiding Superior Court Judge Herbert V. Walker sustained the prosecutor's objection, however. He said Cooper's question assumed "facts we don't know because they're not in evidence yet."